REMARKS

Applicants request favorable reconsideration of the subject application in view of the foregoing amendments and the following remarks.

Claims 1, 6-8, 19, 24-26, 28-30, 33, 34, 37, 38, 41, 42, 45-111, and 118-131 are pending. Claims 2-5, 9-18, 20-23, 27, 31, 32, 35, 36, 39, 40, 43, 44, and 112-117 have been canceled without prejudice to or disclaimer of the subject matter therein. Claims 1, 6-8, 19, 24-26, 28-30, 33, 34, 37, 38, 41, 42, and 45-49 have been amended for reasons unrelated to patentability to improve their form. In addition, independent Claims 1, 19, 30, 34, 38, and 42 have been amended to overcome a substantive rejection. Claims 50-111 and 118-131 have been withdrawn from further consideration as being directed to non-elected inventions.

Applicants affirm the provisional election with traverse to prosecute the invention of Group I, directed to Claims 1-49 and 112-117.

Claims 1-6, 9-15, 18-24, 27-49 and 112-117 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,574,600 (*Fishman et al.*). Claims 7, 8, 16, 17, 25 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fishman et al.* in view of allegedly well-known prior art. The Examiner has taken Official Notice that calculating the probability of the importance of the message and controlling the volume based on the importance is well known in the art.

At the outset, Applicants respectfully request that the Examiner cite a reference disclosing the facts of which he has taken Official Notice, in accordance with MPEP § 2144.03. This section of the MPEP states that "It would <u>not</u> be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known". (Emphasis in the

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original.) Here, Applicants submit that the Examiner has not established that the recitation of making the volume of one speech waveform to be $a/(a + b)$ and making the volume of another speech waveform to be $b/(a + b)$, as recited in these claims, is instantly and unquestionably demonstrable to be prior art. In addition, Applicants submit that the Examiner has not established that the following claimed feature is instantly and unquestionably demonstrable to be prior art: making the volume of each output synthetic speech waveform a value obtained by dividing the value of an importance parameter of the importance of the synthetic speech waveform by the sum total of the values of importance parameters of all the synthetic speech waveforms outputted in overlapping relation with one another. Therefore, for this reason, Applicants insist that the Examiner cite a reference showing these claimed features.

In further response to the rejections, while not conceding the propriety thereof, independent Claims 1, 19, 30, 34, 38, and 42 have been amended. Applicants submit that as amended, these claims are allowable for the following reasons.

Independent Claim 1 has been amended to recite, in part, display control means for controlling the displaying of a setting screen configured to set the importance of the plurality of text data in response to the output of overlap detecting means, volume determining means for determining the volumes of synthetic speech waveforms of each of the plurality of text data on the basis of the importance of the plurality of text data set by the setting screen, and speech output means for speech-synthesizing and outputting synthetic speech waveforms generated from the plurality of text data whose overlap has been detected at the volume determined by the volume determining means.

By this arrangement, the user can easily set the respective volumes of different kinds of information contained in a broadcast so that the most important information is the loudest.

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In contrast, the patent to *Fishman et al.* is not understood to disclose or suggest display control means for controlling the displaying of a setting screen configured to set the importance of the plurality of text data in response to the output of overlap detecting means, volume determining means for determining the volumes of synthetic speech waveforms of each of the plurality of text data on the basis of the importance of the plurality of text data set by the setting screen, and speech output means for speech-synthesizing and outputting synthetic speech waveforms generated from the plurality of text data whose overlap has been detected at the volume determined by the volume determining means, as recited by amended Claim 1.

For this reason, amended Claim 1 is allowable over the *Fishman et al.* patent. And since independent Claims 19, 30, 34, 38, and 42 have been amended in a similar manner, they are allowable for similar reasons. [1]
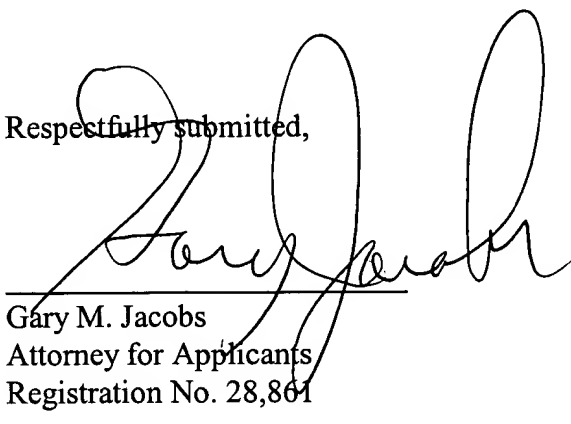
The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully requested.

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[1] Independent Claims 30, 34, 38, and 42 do not recite the overlap detecting means recited in independent Claim 1, but are believed to be allowable over the *Fishman et al.* patent because the *Fishman et al.* patent is not understood to disclose or suggest the display control, volume determining, and speech outputting or speech-synthesizing and outputting means or steps recited therein.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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